REMARKS

In the Office Action, the Examiner rejected Claims 1-19, which are all of the

pending claims, under 35 U.S.C. §102 as being fully anticipated by either U.S. Patents 5,737,415

(Akiyama, et al.) or 6,002,772 (Saito). In particular, Claims 1 and 3-12 were rejected as being

fully anticipated by Akiyama, et al. and Claims 2 and 13-19 were rejected as being fully

anticipated by Saito.

Applicants herein request that independent Claims 1, 2, 3, 10 and 13 be amended

to emphasize differences between the claims and the prior art.

The present invention relates to a method and system for charging for the use or

copying of digital data. The prior art cited by the Examiner, Akiyama, et al. and Saito, discloses

systems for managing digital data. These prior art references, however, are particularly directed

to encrypting the data to prevent unauthorized use. The present invention, in contrast, is directed

more toward monitoring and charging for the use of the digital data.

More specifically, Akiyama, et al. discloses a software management module,

which may be incorporated in hardware, for encrypting software data. This management module

is also provided with a function for decoding the encrypted software, and a mechanism for

managing authorization for decoding.

Saito discloses a technique that combines cryptography with an electronic

watermark. Each time an authorized copy is made of data, a watermark is encrypted. In this

way, when an unauthorized copy is found, it can be determined from which authorized copy that

unauthorized copy was made.

The present invention, as mentioned above, is directed more toward charging for

copying or using the digital data. An important aspect of the invention is that charges for using

the data are determined dynamically – that is, the charges may be calculated at the time of use based on a number of variable factors including the extent of use.

While the systems discussed in Akiyama, et al. and Saito can employ charging procedures, neither of these references discloses or suggests the above-mentioned dynamic charging approach of the present invention.

The other references of record have been reviewed, and whether these other references are considered individually or in combination, they are believed to be no more pertinent than the above discussed Akiyama, et al. and Saito references. Specifically, these other references also do not teach or suggest the dynamic charging procedure of the present invention.

Applicants herein request that Claims 1, 2, 3, 10 and 13 be amended to emphasize the above-discussed difference between this invention and the prior art. In particular, Claims 1 and 3 are being amended herein to indicate that the accounting logic is used for dynamically charging for the use of the recognized object data, and Claim 2 is being amended to positively set forth the step of dynamically charging only for the use of defined object data. Similarly, Claims 10 and 13 are being amended to positively set forth the step of dynamically charging for the use of recognized data.

This feature is of considerable utility because it provides substantial flexibility. It allows a price to be based on any one or more of a number of factors, which themselves may vary from time-to-time or based on other considerations.
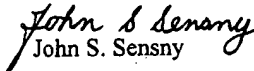
Applicants note that the amendments requested herein only emphasize differences between the claims and the prior art. It is thus believed that entry of this Amendment is appropriate, and such entry is respectfully requested.

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Also, because of the above-discussed differences between Claims 1, 2, 3, 10 and 13 and the prior art, and because of the advantages associated with those differences, these claims, as amended herein, patentably distinguish over the prior art and are allowable. Claims 4-9 are dependent from Claim 3 and are allowable therewith, and Claims 11 and 12 are dependent from Claim 10 and are allowable therewith. In addition, Claims 14-19 are dependent from, and are allowable with, Claim 13. Accordingly, the Examiner is respectfully requested to reconsider and to withdraw the rejections of Claims 1-19 under 35 U.S.C. §102, and to allow these claims.

Attached hereto is a marked-up version of the changes made to the application by the current amendment. The attached page is captioned "**Version with Markings to Show Changes Made**."

Every effort has been made to place this application in condition for allowance, a notice of which is requested. For the reasons advanced above, the Examiner is asked to enter this Amendment, and to reconsider and to withdraw the rejections of Claims 1-19 and to allow these claims. If the Examiner believes that a telephone conference with Applicants' Attorneys would be advantageous to the disposition of this case, the Examiner is requested to telephone the undersigned.

Respectfully Submitted,

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VERSION WITH MARKINGS TO SHOW CHANGES MADE

IN THE CLAIMS

Please amend Claims 1, 2, 3, 10 and 13 as set forth below.

1. (Twice Amended) A data charging system comprising:

a content generator for generating contents containing object data,

a recording medium for recording charging data used for charging for said object

data and recognition data used for recognition of the object data, and

a data charging apparatus for charging for the use of said object data by using said

charging data and said recognition data which have been recorded;

wherein said data charging apparatus comprises:

data reading logic for reading out said recognition data and said charging data

from said recording medium,

a separator for separating said object data from said contents,

a recognition logic for recognizing said separated object data by using said

recognition data which has been read out,

an accounting logic for dynamically charging for the use of said recognized object

data by using said charging data which has been read out, and

a writing logic for writing, as said charging data, the results of charging for the

use of said recognized object data into said recording medium.

2. (Twice Amended) A content generator for embedding digital watermarks in

object data and generating contents in a data charging system which records, on a recording

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medium, charging data used for charging for object data contained in said contents and

recognition data used for recognizing the object data and <u>dynamically</u> charges only for the use of

the object data embedded with said digital watermarks by using said charging data and said

recognition data which have been recorded.

3. (<u>Twice</u> Amended) In a data charging system which records, on a recording

medium, charging data used for charging for object data contained in contents and recognition

data used for recognizing the object data and charges for the use of said object data by using said

charging data and said recognition data which has been recorded,

a data charging apparatus comprising:

a data reading logic for reading said recognition data and said charging data from

said recording medium,

a separator for separating said object data from said contents,

a recognition logic for recognizing said separated object data by using said

recognition data read out,

an accounting logic for <u>dynamically</u> charging for the use of said recognized object

data by using said charging data which has been read out, and

a writing logic for writing, as said charging data, the results of charging for the

use of said recognized object data into said recording medium.

10. (<u>Twice</u> Amended) A data charging method for generating contents which

contain object data and recognition data used for the recognition of this object data, recording

charging data used for charging for said object data and the recognition data used for recognition

of the object data, and charging for the use of said object data by using said charging data and

said recognition data which have been recorded, comprising the steps of:

      reading said recognition data and said charging data from said recording medium,

      separating said object data from said contents,

      recognizing said separated object data by using said recognition data which has

been read out,

      dynamically charging for the use of said recognized object data by using said

charging data which has been read out; and

writing, as said charging data, the results of charging for the use of said recognized object data

into said recording medium.

      13. (Twice Amended) In a data charging apparatus of a data charging system

which records, on a recording medium, charging data used for charging for object data contained

in contents and recognition data used for recognition of the object data, and charges for the use

of said object data by using said charging data and said recognition data which have been

recorded;

      a computer program product enabling a computer to execute the steps of:

      reading said recognition data and said charging data from the recording medium,

      separating said object data from said contents,

      recognizing said separated object data by using said recognition data which has

been read out,

dynamically charging for the use of said recognized object data by using said

charging data which has been read out, and

writing, as said charging data, the results of charging for the use of said recognized object data

into said recording medium.

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AMENDMENT TRANSMITTAL LETTER (Large Entity)	Docket No.
Applicant(s): Satoru Sawada, et al.	JP919980216US1 (12924)

Serial No. 09/457,842	Filing Date December 9, 1999	Examiner Christina O. Sherr	Group Art Unit 3621

Invention: DATA CHARGING SYSTEM, CONTENT GENERATOR, DATA CHARGING APPARATUS, AND DATA CHARGING METHOD
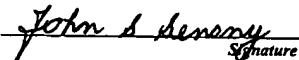
TO THE ASSISTANT COMMISSIONER FOR PATENTS:

Transmitted herewith is an amendment in the above-identified application.

The fee has been calculated and is transmitted as shown below.

CLAIMS AS AMENDED

	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST # PREV. PAID FOR	NUMBER EXTRA CLAIMS PRESENT	RATE	ADDITIONAL FEE
TOTAL CLAIMS	19 -	20 =	0	x $18.00	$0.00
INDEP. CLAIMS	5 -	5 =	0	x $84.00	$0.00
Multiple Dependent Claims (check if applicable) ☐					$0.00
TOTAL ADDITIONAL FEE FOR THIS AMENDMENT					$0.00

☒ No additional fee is required for amendment.

☐ Please charge Deposit Account No. in the amount of
    A duplicate copy of this sheet is enclosed.

☐ A check in the amount of to cover the filing fee is enclosed.

☒ The Commissioner is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 50-0510/IBM
    A duplicate copy of this sheet is enclosed.

    ☒ Any additional filing fees required under 37 C.F.R. 1.16.

    ☒ Any patent application processing fees under 37 CFR 1.17.

John S. Sensny
    Signature   Dated: January 22, 2003

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I certify that this document and fee is being deposited on ˌ with the U.S. Postal Service as first class mail under 37 C.F.R. 1.8 and is addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

Signature of Person Mailing Correspondence

Typed or Printed Name of Person Mailing Correspondence

P11LARGE/REV06

CERTIFICATE OF TRANSMISSION BY FACSIMILE (37 CFR 1.8)

Applicant(s): Satoru sawada, et al.

Docket No.
JP919980216US1 (12924)

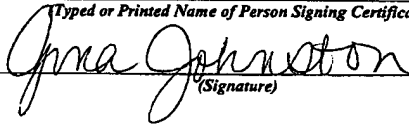| Serial No. 09/457,842	Filing Date December 9, 1999	Examiner Christina O. Sherr	Group Art Unit 3621

Invention: DATA CHARGING SYSTEM, CONTENT GENERATOR, DATA CHARGING APPARATUS, AND DATA CHARGING METHOD

I hereby certify that this   AMENDMENT UNDER 37 C.F.R 1.116
_____
                                        (Identify type of correspondence)

is being facsimile transmitted to the United States Patent and Trademark Office (Fax. No. (703) 305-7687

on   January 22, 2003
_____
                (Date)

                                            Gina Johnston
_____
                    (Typed or Printed Name of Person Signing Certificate)

                    (Signature)

Note: Each paper must have its own certificate of mailing.

P18/REV01

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To:	Examiner Christina O. Sherr	**From:**	John S. Sensny
Fax:	703-305-7687	**Pages:**	16 (Including fax cover sheet)
Phone:		**Date:**	1/22/2003
Re:	See Below	**CC:**	

FINAL REJECTION

● **Comments:**

1. Amendment Transmittal Letter (in duplicate)
2. Amendment under 37 C.F.R. §1.116
3. Authorization to Charge Deposit Account (IBM Yorktown)
4. Certificate of Transmission by Facsimile dated January 22, 2003

Applicants:	Satoru Sawada, et al.
Serial No.	09/457,842
Filed:	December 9, 1999
For:	DATA CHARGING SYSTEM, CONTENT GENERATOR, DATA CHARGING APPARATUS, AND DATA CHARGING METHOD
Docket:	JPp919980216US1 (12924)
Dated:	January 22, 2003

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GROUP 3600

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